

REMARKS

Claims 9 to 31 and 35 to 53 continue to be under consideration.

Please cancel claims 32 to 34 and 54 to 76 without prejudice to their reintroduction at a later point in time.

New claims 77 to 102 are being introduced.

New claim 77 is based on paragraph 0033 of United States Patent Application Publication US 2004/0,266,631 A1

New claim 78 is based on paragraph 0034 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 79 is based on paragraph 0035 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 80 is based on paragraph 0036 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 81 is based on paragraph 0037 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 82 is based on paragraph 0038 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 83 is based on paragraph 0039 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 84 is based on paragraph 0040 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 85 is based on paragraph 0041 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 86 is based on paragraph 0042 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 87 is based on paragraph 0043, 0044, and 0045 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 88 is based on paragraph 0046 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 89 is based on paragraph 0047 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 90 is based on paragraph 0048 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 91 is based on paragraph 0049 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 92 is based on paragraphs 0050 and 0051 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 93 is based on paragraph 0052 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 94 is based on the first half of paragraph 0053 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 95 is based on the second half of paragraph 0053 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 96 is based on paragraph 0054 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 97 is based on paragraph 0055 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 98 is based on paragraph 0056 of United States Patent Application Publication US 2004/0,266,631 A1.

New claim 99 is based on Figures 3 to 6,

New claim 100 is based on claim 48 and Figure 6 .

New claim 101 is based on Figures 7 and 8,

New claim 102 is based on claim 52 and Figures 7 and 8 .

The Office Action refers to Claim Rejections - 35 USC § 112.

Claims 11-14,16-19 stand rejected under 35 U.S.C. 112 as being indefinite. The claims are replete with features lacking sufficient antecedent basis. For example:

- Claim 11 recites "the winning values" in line 7 of the claim.
- Claim 11 recites "the intermediate state" in line 13 of the claim.
- Claim 16 recites "the entertainment automats are networked together" in lines 1-2 of the claim.

Claims 11 and 16 have been corrected in the present amendment.

- Claim 7, from which claim 8 depends, recites only one entertainment automat, therefore there is lack of antecedent basis for multiple automats as recited in claim 8.
- Claim 7 has been cancelled and the rejection seems to be somewhere hanging in the air.
- Claim 17 recites "the coin actuated automats disposed in the network". There is lack of antecedent basis for multiple automats as well as for a network.

The rejected language has been stricken in claim 17 and has been newly introduced in claim 39.

- Claim 18 recites "monitoring the total playing time" in line 4 of the claim, and later recites "the complete game time" in line 5. The examiner is interpreting these to be the same, however there is insufficient antecedent basis for either limitation in the claims.

The present amendment corrects claim 18.

- Claim 19 recites "the card storage" in line 5 of the claim.

The present amendment corrects the antecedent basis problem in claim 19.

The examiner requests that the applicant review all claims to ensure antecedent basis for all disclosed limitations.

The applicant has seriously considered the claims and has introduced numerous changes with the goal of advancing prosecution of this application.

The Office Action refers to Double Patenting.

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 9-76 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-68 of copending Application No. 09/491,779. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: Claims 9-76 of the instant application are identical to those of claims 1-68 of Application No. 09/491,779. Thus, the two sets of claims do not constitute patentably distinguishable subject matter.

Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

In case a Terminal Disclaimer should become necessary, Applicant is planning to execute such document.

The Office Action refers to Claim Rejections - 35 USC § 103.

Claims 9-76 stand rejected under 35 U.S.C. 103(a) as being obvious over Gauselmann (WO 97/49073) in view of Walker et al. (US 6,248,016 B1). For purposes of this action, Examiner will use the patent (USPN 6,089,980), which is a translation of the PCT publication. All citations will be made with reference to locations in the US Patent.

Regarding claims 9,35,42-54 Gaulseman teaches a method for operating a coin actuated entertainment automat (2a) comprising placing a coin into a coin acceptance device (12) of an entertainment automat; testing the coin in a coin testing device (Col. 6, 10); displaying symbols on a symbol display device (8), wherein a displayed symbol combination comprises several symbols (Fig. 1 shows several symbols displayed on a display device 8) and wherein upon reaching of a predetermined credit balance in a credit balance counter disposed on the side of the control unit a symbol combination is displayed with the symbol display device (i.e., when a player deposits enough money, he can play the game - this is how slot machines operate). Gaulseman teaches controlling the course of the game with a control unit including a microcomputer (9) and a pseudorandom number generator (216). Gaulseman teaches renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached, and accumulating the obtained winnings in the credit balance counter- i.e., Gaulseman teaches determining a winner and paying winnings like any other slot machine.

The Office Action alleges that the reference Gaulseman teaches “Gaulseman teaches renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached,” without giving any indication where this language can be found in the reference Gaulseman. Claim 9 of the present application requires that: “renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached;”. This is the embodiment of Figs. 3 to 6 of the present application. If in branching block “Royal Flush reached” (45) no Royal Flush is discovered, control goes back to branching block “Game time ended” (39) and if not ended,

control goes again to branching block “Key depressed” and another possibility exists for using the hand out key and to randomly draw another card toward a “Royal Flush ” configuration. Thus the “Royal Flush” configuration can be accomplished by a sequence of steps of randomly drawing a not held card as long as the game time has not been ended. Neither the reference Gauselmann nor the reference Walker et al teach any concept of building step by step a “Royal Flush” by “renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached;”.

Gauselmann does not teach influencing the course of the game by an operational element disposed on the front side of the entertainment automat or substituting a symbol by another randomly determined symbol. This is simply a description of the notoriously well known game of draw poker. In draw poker, the player uses controls on the console to determine which cards to hold. This is influencing the course of the game by an operational element disposed on the front side of the entertainment automat. The gaming machine then dispenses new cards for those not held. This is substituting a symbol by another randomly determined symbol.

According to the statement in the Office Action, Poker machines once disperse new cards for those cards not held and then the game is over. According to the embodiment of Figs. 3 to 6 of the present application there is a sequence of renewed cards, where the sequence is limited by a time window and is geared to build a “Royal Flush”. If the “Royal Flush” is recognized in branching block “Royal Flush reached” (45), then a return occurs to in front of operational block “Randomly drawing all cards” (38) and a new round has begun.

This is not simply a description of the notoriously well known game of draw poker.

Walker teaches draw poker (abstract). Draw poker machines are among the most popular gaming machines in the industry. It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the slot machine of Gauselmann in view of the draw poker feature of Walker to influence the course of the game by an operational element disposed on the front side of the entertainment automat and substitute a symbol by another randomly determined symbol (i.e., implement a draw poker game) in order to take advantage of the well known popularity of draw poker. Further, the inventions are analogous in that they are both slot machines in the player entertainment field of endeavor.

Applicant respectfully disagrees. The game of Walker et al. is completely different from the game of the present invention. Fig. 5 of the Walker et al. reference shows blocks 525, 530, 535, and 540 related to actions on the cards: "DISPLAY INITIAL HAND OF CARDS TO PLAYER (525)", "RECEIVE SIGNAL FROM PLAYER SPECIFYING WHICH CARDS TO HOLD (530)", "DETERMINE NUMBER OF CARDS DRAWN BASED ON RECEIVED HOLD SIGNAL (535)", and "DISPLAY DRAWN CARDS TO PLAYER (540)". There is no branching block "Royal flush reached" (45) in the reference Walker et al. There is no line (as in figs. 3 to 6 of this application) in the reference Walker et al connecting a Royal Flush reached with the connection line in front of the operational block "Randomly drawing all cards" (38). There is no line in the reference Walker et al connecting a Royal Flush not reached with the connection line going to immediately after the operational block "Randomly drawing all cards".

In addition, the reference Walker et al fails to teach the branching block “Game time ended” (39) and the branching block “key depressed” (40) and their connections shown in Figs. 3 to 6 of the present application. The branching block “game time ended” regulates the probable number of Royal Flushes reached during one activated game time. The branching block “key depressed” (40) has its input connected to an output of the branching block “game time ended” (39). Thus important features of the present invention are completely outside of the reference Walker et al.

The limitation of claim 9 : “renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached; ” specifies an ongoing renewal of not held cards toward a winning symbol as far as this is possible within the predetermined time window. Neither the Walker et al. reference nor the Gauselmann reference carries any suggestion to randomly drawing cards toward building sequentially a Royal Flush.

As to claim 35, this claim contains the following steps:
“influencing the course of the game by an operational element disposed on the front side of the entertainment automat;
substituting a symbol by another randomly determined symbol;
renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached;”.

According to claim 35, there is an operational element, which influences the course of the game, that cards are replaced by random cards, and that the replacement is limited by a time window until a maximum winning value is reached. The references Gauselmann and Walker et al. fail to teach an ongoing replacement of cards, where the replacement is dual limited: once by reaching a maximum winning value and second by a time window. Clearly, neither the reference Gauselmann nor the reference Walker et al teach or suggest such a dual limited hand out of cards.

As to claim 42, this claim reads in part: “activating a game time (37) of the active entertainment automat if it is determined that a special symbol combination (49) has been reached;
randomly drawing all cards (38) of the active entertainment automat;
determining if a game time has ended (39) at the active entertainment automat;”

This means that a special symbol combination has been reached, that a game time be activated, that randomly all cards be drawn and that a determination be made if a game time has ended. The references Gauselmann and Walker et al. fail to teach these four steps of claim 42.

As to claim 43, this claim reads in part as follows: “returning process to randomly drawing all cards (38) of the active entertainment automat in case a Royal Flush (45) has been reached;

returning process to determining if the game time is ended (30) in case no Royal Flush (45) has been reached.”.

A step of randomly drawing all cards is not provided for after a Royal Flush by the references. The alternate of not reaching a Royal Flush and then making a determination if the game time is ended is also not provided for in the references applied.

As to claim 44, this claim contains the clauses: “determining if a game time has ended (39) at the active entertainment automat; presenting the winning amount on a display if the game time is determined to be ended;”. The steps of these clauses are not suggested or taught in the references applied.

As to claim 45, most of the eight clauses are not suggested or taught by the applied references. In particular the following steps of claim 45 patentably distinguish over the references Gauselmann and Walker et al. :

“determining if a key is depressed (40) in case it was determined that the game time had not been ended;

returning process to determining if the game time is ended (30) in case it is determined that no key was depressed;

randomly drawing a card not yet held (43) if it is determined (40) that the hand out key (41) was depressed;

holding a card (46) if it is determined (40) that the hold key (42) was depressed;
actualizing an intermediate state (44);
determining if a Royal Flush (45) has been reached;
returning process to randomly drawing all cards (38) of the active entertainment
automat in case a Royal Flush (45) has been reached;
returning process to determining if the game time is ended (30) in
case no Royal Flush (45) has been reached.”.

These steps represent important aspects of the present invention:
Determining if the game time ended, if no, determining if an operational key had
been depressed, determining if hold key and/or hand out key had been depressed
and acting correspondingly, determining if a Royal Flush had been reached and
branching process correspondingly, if reached, then randomly drawing all cards;
in case not reached, then returning to determining if the game time has ended
possibly followed by holding and/or handing out cards. Applicant urges that the
process of sequentially improving the held cards toward a Royal Flush is clearly
unobvious over the references applied.

As to claim 46, this claim requires determining if a game time is ended and
collecting the individual result of the slave entertainment automat, which is not
taught in the applied references.

As to claim 47, this claim resembles very much claim 45 and similar to claim 45 defines over the references Gauselmann and Walker et al.

Claim 48 requires also determining if the game time is ended after randomly drawing all cards. It is not obvious to determine if the game time is ended after randomly drawing all cards.

As to claim 49, this claim is very similar to claims 45 and 47 and this claim should define the invention over the Gauselmann and Walker et al. references.

As to claim 50, this claim corresponds to the embodiment of Fig. 7 which is a modified game relative to the game of Figs, 3 to 6. In claim 50, not a time window is furnished, but instead a numerical limitation for the rounds of the game exists. If the game round was played X times then the branching connects to presentation of the winning amount. If less than X times had been played, then the branching is connected to the branching block “key depressed”, which is followed by holding cards and hand out enabling the player to improve his set of cards.

Claim 50 is distinguished by the following two steps from the references Gauselmann and Walker et al.:

“determining if a predetermined number (x) of games have been performed if it is determined that the jackpot amount has surpassed the jackpot release value (52);

presenting the winning amount on a display (58) if it is determined that a predetermined number (x) of games have been performed;”. Predetermining a number of game rounds and limiting the game to these game rounds is outside of the scope of the references Gauselmann and Walker et al.

As to claim 51, this claim also refers to a number of X games which is counted and whereupon a jackpot game is started. This step patentably distinguishes claim 51 over the references Gauselmann and Walker et al. In addition, claim 51 contains limitations associated with a sequential improvement of the cards held by a player. This sequential improvement of the cards held and/or renewed by a player are not suggested or taught by the references Gauselmann and Walker et al.

As to claim 52, this claim corresponds to the embodiment of Fig. 8. Claim 52 contains the step:” presenting the winning amount on a display (58) if it is determined that a predetermined number (x) of games have been performed;”. This step together with the remaining limitations of claim 52 is deemed to define the present invention over the references Gauselmann and Walker et al.

As to claim 53, this claim resembles claim 51 and is directed to the embodiment of Fig. 8. Claim 53 defines the process of improving the cards held and/or renewed by a player. The steps relating to handing out new cards

randomly and sequentially are clearly outside of the four corners of the references applied.

As to claim 54 is being canceled.

Regarding claims 10,16,27 and 36, Gauselmann teaches networking a second entertainment automat to the first entertainment automat (Fig. 1) and simultaneously switching the played entertainment automats into a uniform game mode upon reaching of a predetermined symbol combination or upon reaching of a predetermined credit balance state of a common credit balance counter (col. 2, 30-37). Gauselmann teaches determining in a game mode the entertainment automat, which has reached the highest winning value within a time window predetermined by the control unit and coordinating the winning value to that entertainment automat, which entertainment automat has reached the highest winning within the time limited game mode. This is the rank sequence determination described at col. 2, lines 39-43.

Applicant respectfully disagrees. The reference Gauselmann does not determine an entertainment automat, which sequentially reaches the highest winning value within a time window.

Instead the reference Gauselmann reads in column 2, lines 39 to 43 as follows: “A rank sequence and a winning quota is determined based a comparison of the predicted game result and the actual game result. The rank sequence and the winning quota determine the distribution key for the jackpot.” There is no time window in the reference Gauselmann, which can be used for sequentially drawing a Royal Flush.

Regarding claim 16, this claim contains the language:: “the highest winning value is reached within a time window predetermined by the control unit

(7), and wherein the winning value is coordinated to that entertainment automat (1), which entertainment automat (1) has reached the highest winning within the time limited game mode.”. Neither the reference Gauselmann nor the reference Walker et al. are concerned with reaching the highest winning value within a time window.

Claim 27 is now amended to obviate the rejection.

Claim 36 is dependent on claim 35 and therefore defines over the references applied.

Regarding claims 11,19,21,23,26 Gauselmann teaches the invention substantially as claimed. Gauselmann teaches a timed game or series of games (col. 2, lines 37-39).

Applicant respectfully disagrees. The reference Gauselmann in column 2, lines 39 to 43, does not teach a timed game, but teaches to compare a predicted game result to an actual game result.

Gauselmann fails to teach the details of draw poker - drawing cards, determining if the card are a winning hand, indicating which cards to hold, drawing new cards for discarded cards, etc. As noted above, these details are a conventional part of the draw poker game taught by Walker.

Not only does the reference Gauselmann fail to teach the details of draw poker, the reference Walker et al. fails to teach the game of the present invention. While the Office Action sees the details of the draw poker game of the reference Walker et al., apparently the details of the present invention are not recognized in the Office Action. The branching blocks “Game time ended” (39), “Key depressed” (40), “Royal Flush reached” (45) and their interconnections have

not been recognized in the Office Action and are not taught or suggested by the references Gauselmann and Walker et al.

Claim 11 contains the following clauses, which distinguish the present invention from the references Gauselmann and Walker et al. :

“determining if a game time has ended;” This clause corresponds to branching block “Game time ended” (39) where process for “yes” goes to “Presentation of the winning amount” and for “no” goes to the branching block “key depressed” .

“displaying the winning values in case the game time has ended;” This clause changes the display at the moment a game time is ended (possibly with a number of sequentially renewed cards), whereas the game time is not considered by the reference Walker et al.

“determining if a key has been depressed in case the game time has not yet ended;”. This makes the pressing of the key dependent on an active game time. If the player of the present invention waits too long with depressing a key, then the player may not hand out or renew any cards in clear distinction to the video poker machine of Walker et al. where the machine just waits for the player.

“determining if the depressed key is a hand out key or a hold key in case a key had been depressed;” The step 535 of the reference Walker et al. is different:

The number of cards drawn is the difference between 5 and the number of cards held according to the reference Walker et al..

“randomly drawing cards not being held in case the hand out key had been depressed;” No “hand out keys” are employed by the reference Walker et al. holding cards in case the hold key had been depressed;

“determining if a certain winning combination had been reached;”
“randomly drawing again all cards if the certain winning combination had been reached;”, and “determining again if the game time has ended if the certain winning combination had not been reached.” are clauses which should be considered together. After determining if a certain winning combination (Royal Flush) had been reached the answer may be yes or no. If the answer is yes, all cards are randomly drawn again like in a new game round. If the answer is no, then the game time is checked and, if further game time is available, hold keys and hand out keys can be depressed still with the goal to obtain the certain winning combination in this game round. The references Gauselmann and Walker et al. in contrast do not have a branching block “Royal flush reached”, which depending on the cards present can lead to either a new round with randomly drawing all cards or to a checking of the game time possibly followed by renewal of some of the drawn cards.

As to claim 19 there is the clause “checking in a third branching block, if the maximum winning value is displayed with the symbol display device;” This is a specific limitation relating to the maximum winning value.

As to claim 21, the following clause is present: “performing a return upon non-reaching of the maximum winning value from one branching block to a second branching block, wherein the game time is checked in the second branching block;”. This clause is deemed to define claim 21 over the references applied.

As to claim 23, this claim contains several steps as follows, which are deemed to define the present invention over the references applied: “checking in case of actuation of the operational element which operational element was actuated;

determining and displaying a game result of the displayed symbol combination in an operational block;

determining in a first branching block if a maximum winning value is displayed with the symbol display device;

performing a return from the first branching block to a second branching block in case of a non-reaching of the maximum winning value; and

checking the game time in the second branching block”.

These steps are believed to define claim 23 over the references Gauselmann and Walker et al.

As to claim 26, this claim is believed to have the following clauses defining over the references applied: “performing a return upon reaching of the maximum winning value, wherein new winning symbols are randomly determined in the second operational block and wherein the new winning symbols are displayed with the symbol display device;
displaying winning symbols with the symbol display device in case of a remaining of residual game time;
holding the winning symbols in the following by actuating the operational element or throwing out all up to now held cards by actuating the entry block;”

Regarding claims 12,20,44 Gauselmann teaches determining if a special symbol combination or a jackpot winning value has been reached after inserting payment into the automatic entertainment automat. This is the jackpot trigger value discussed in col. 2, lines 31-37.

Applicant relies for patentability of claims 12, 20, 44 on a patentability of the claims on which they depend.

Regarding claims 13,29,38,39 Gauselmann teaches networking a second entertainment automat to the first entertainment automat (Fig. 1). Gauselmann teaches determining which one of the entertainment automats assumes a master function and determining which one of the entertainment automats assumes a slave function (col. 7, lines 13-18). Gauselmann teaches determining if a jackpot filling level has reached a predetermined release amount, starting a

jackpot game at the entertainment automat performing the slave function, waiting until the slave is ready, activating the game time for the entertainment automats, randomly drawing all cards (i.e. playing one or more games), determining if a game time has ended, collecting the game results of the slave entertainment automat in the master entertainment automat, distributing of the game results to the slave entertainment automat by the master entertainment automat (col. 4, lines 64-col. 5, line 5), calculating of the winning amount, and displaying the winning amount (col. 8-9).

Claim 13 has now been amended to introduce distinguishing language.

Claim 29 relies forr patentability on claim 27.

Claim 38 is being amended.

Claim 39 depends in its patentability on the patentability of claim 38.

Regarding claim 14, Gauselmann discloses teaching a readiness signal to the master entertainment automat and waiting by the slave entertainment automat for an activation of the game time through the master entertainment automat (col. 7-8).

Claim 14 depends on claim 13 and its patentability is believed to also depend on claim 13.

Regarding claim 15, see claims 9,11 and 12.

The present amendment of claim 15 further distinguishes from the references Gauselmann and Walker et al. by requiring that the symbols can be multiply renewed within a predetermined time window. Multiple renewal or multiple drawing of cards before reaching the winning carrying

symbol combination is not taught by the references Gauselmann and Walker et al.

Regarding claim 17, see claims 9 and 10.

Claim 17 contains the clause “substituting a symbol by another randomly determined symbol; renewing the symbols within a predetermined time window until a winning carrying symbol combination is reached; ”. The references applied fail to meet this clause of claim 17, since the references do not teach a time window during which cards are sequentially renewed toward a maximum winning value.

Regarding claim 18, Gauselmann discloses monitoring a credit balance state with the first operational block exhibiting a game stake, i.e. a credit meter (Fig. 1, 3), monitoring the total playing time (col. 8, lines 30-39), determining winning symbols during the complete game time by a control unit, illustrating and displaying the randomly determined winning symbols with a symbol display device (i.e. how any slot machine functions), and determining a remaining residual game time (col. 8, lines 65-66). As previously discussed, Walker discloses operational elements furnished on the front side of the entertainment automat.

Claim 18 distinguishes over the applied references by the following clauses:

“activating a first branching block by a third operational block for determining the remaining residual game time;

determining in a second branching block in case of a presence of remaining residual game time, if an operating element furnished on the front side of the entertainment automat has been actuated;” The references applied are not concerned about a remaining residual game time and if an operating element has been actuated during the remaining residual game time.

Regarding claims 12,25, Gauselmann teaches initiating a network by actuating the power switch of each entertainment automat (col. 6, lines 66-67), assuming of the master function by one of the entertainment automats, wherein the master function comprises essentially that a coordination of the entertainment automats present in the network is performed with respect to the collection of data through the counter state of the jackpot amount and the release of a common special game, which takes place at all entertainment automats present in the network at the same time, switching the second entertainment automat, present in the network to a slave function, randomly determining a symbol combination in an operational block and displaying the symbol combination in the symbol display device in case of a sufficient credit balance state, transferring an adjustable shared part amount of the game stake of each base game to a common jackpot counter, checking the counter state of the jackpot counter in a branching block following to a determination of the winning value in the base game, sending from the master a control signal to all other entertainment automats present in the network if the predetermined jackpot counter state is

reached or surpassed, wherein the slave switch to the supplemental game based on the control signal after termination of the base game, monitoring in an operational block, if an okay signal was returned by all slaves, starting the supplemental game at the same time in all participating coin actuated entertainment automats (col. 7-9).

As to claim 12, it was considered above.

As to claim 25, it is believed that the last three steps of the claim patentably distinguish over the references Gauselmann and Walker et al.

Regarding claim 24, see claims 4 and 5.

Claims 4 and 5 have been canceled,

As to claim 24, the first clause provides that a winning value is the maximum winning value, that process is transferred to an operational block, that all symbol cards are renewed with random symbol cards and that the new set of symbol cards be displayed. This feature is not present in the references applied.

Regarding claim 28, Gauselmann and Walker teach the first entertainment automat is furnished with a first additional operating element, wherein the first additional operating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the first operating element, and wherein the first entertainment automat includes a first separate processor and first software; wherein the second entertainment automat is furnished with a second additional operating element, wherein the second additional operating element is associated to each presented winning symbol and each presented winning symbol can be held in the following by action of the second operating element, and wherein the second entertainment automat includes a second separate processor and second software - i.e. each gaming machine is self-contained (Fig. 1, col. 4, lines 59-63).

Claim 28 as presently worded relies for patentability on claim 27.

Regarding claim 30, Gauselmann teaches that the entertainment automat performing the master function accumulates a jackpot amount as an adjustable shared part of the game stake of each base game, and wherein the entertainment automat performing the master function scans individual game results and subdivides the jackpot winning amount (col. 8, lines 20-30; col. 9, lines 1-47).

Claim 30 relies for patentability on claim 29.

Regarding claim 31, Gauselmann teaches a display means furnished as a central large display field (Fig. 1, [3]), wherein the display means displays the temporary jackpot value.

Claim 31 relies for patentability on claim 27.

Regarding claim 32, Fig. 1 discloses two linked gaming machines containing the components as listed in col. 3, lines 40-59 and depicted in Fig. 2.

Claim 32 has been canceled.

Regarding claim 33, Gauselmann discloses that the first symbol displays the temporary jackpot value and the second symbol display device displays the temporary jackpot value (i.e., all game machines display the temporary jackpot value on the display in the lower left hand corner of the top box as shown in Fig. 1). The first and second control units perform an automatic recognition for determining which control unit assumes a master function and which control unit assumes a slave function (col. 6, line 63 - col. 7, line 20). A jackpot pre-release value is set and the jackpot is frozen upon reaching of the jackpot pre-release value (col. 8, lines 6-20). A jackpot payout game is started at the first control unit and at the second control unit (col. 8, lines 30-40).

Claim 33 has been canceled.

Regarding claim 34, Gauselmann discloses all automats contain a symbol display device as well as a microprocessor (col. 6).

Claim 34 has been canceled.

Regarding claim 37, Gauselmann discloses delivering a percentage of each game stake to a jackpot, determining a reaching or surpassing of a jackpot release value; activating a special jackpot game sequence upon reaching or surpassing of the jackpot release value, which jackpot game sequence is the same at each used networked entertainment automat; giving to each player of each used networked entertainment automat the possibility to achieve a predetermined result within a predetermined time period, wherein the player has to reach a winning symbol combination predetermined by the entertainment automat after an arbitrary number of games during the predetermined time period (col. 8, lines 6-40).

Applicant respectfully traverses. The statement in the Office Action appears to be incorrect. The reference Gauselmann in column 8, lines 6 to 40 does not teach the following: “giving to each player of each used networked entertainment automat the possibility to achieve a predetermined result within a predetermined time period, wherein the player has to reach a winning symbol combination predetermined by the entertainment automat after an arbitrary number of games during the predetermined time period”.

Regarding claims 41-54, Gauselmann substantially discloses the invention as claimed. In the primary embodiment, Gauselmann discloses the primary game to consist of evaluating horse race contestants. However, Walker discloses the draw poker gaming machine embodiment, as described above, wherein a player's hand of cards is evaluated for pre-determined winning outcomes, including a royal flush.

Applicant respectfully disagrees. Neither the reference Gauselmann nor the reference Walker et al. disclose the invention as claimed in claims 41 to 53. The references fail to teach determining ending of a game time in a branching block “game time ended” (39), determining of a key depressed in a branching

block “key depressed ” (40), holding and replacing symbol cards as a consequence, determining in a branching block “Royal Flush reached” (45) if the winning value is the maximum winning value. If the answer is yes, then a return occurs, which deals out a complete renewed of random symbol cards. If the answer is no then a return occurs if a time window limit allows to the branching block “Key depressed” (40) and in the following to hold and replace again the present set of symbol cards. The references applied do not suggest anything about these features of applicant’s invention.

Regarding claim 55-58, in addition to the invention as described above, Gauselmann discloses a third entertainment automat (Fig. 1) wherein one of the entertainment automats assumes a master function, one of the entertainment automats assumes a first slave function, and one of the entertainment automats assumes a second slave function (col. 7, lines 15-19). All of the entertainment automats contain the hardware disclosed in col. 3, lines 40-58 and Fig. 2. The method of operation of the plurality of networked entertainment apparatuses is identical regardless of the number of machines associated with the network. That is, the draw poker game and progressive bonus game will be played in the same manner among any number of gaming devices that may be connected to the network.

The present amendment cancels claims 55 to 58.

Regarding claims 59,60, in addition to the invention described above, Gauselmann discloses that if the automat performing the master function experiences a failure, a slave will automatically assume the master function (col. 7, lines 25-29).

The present amendment cancels claims 59 and 60.

Regarding claim 62, in addition to the invention as described above, Gaulseman discloses furnishing a first control circuit to the first entertainment automat and having a first

communications board and a first microcomputer with a first serial interface; furnishing a second control circuit to the second entertainment automat and having a second communications board and a second microcomputer with a second serial interface; wherein the first entertainment automat assumes the master function; controlling a display means of a jackpot and a data exchange and data balancing of the entertainment automat disposed in the communications network by the first communications board; a first connection running from the first communications board to the first serial interface; a second connection running from the second communications board to the second serial interface (col. 6).

The present amendment cancels claim 62.

Regarding claims 63,69 Gauselmann discloses an RS-232 serial interface (col. 6, lines 32-33).

The present amendment cancels claims 63 to 69.

Regarding claim 64, in addition to the invention as described above, Gauselmann discloses furnishing the first communications board with a first self-contained central processing unit and with a third serial interface disposed on the side of the first central processing unit; furnishing the second communications board with a second self-contained central processing unit and with a fourth serial interface disposed on the side of the second central processing unit; coordinating to the first central processing unit first fixed value memory storage and a first battery buffered operating data storage; coordinating to the second central processing unit a second fixed value memory storage and a second battery buffered operating data storage; furnishing a first connection between the first central processing unit, first memory components and a first serial communications controller with first serial ports by way of a first address decoder and a first I/O decoder and a first bus; furnishing a second connection between the second central processing unit, second memory components and a second serial communications controller with second

serial ports by way of a second address decoder and a second I/O decoder and a second bus; connecting a first serial port of the first communications controller under connection of a first power amplifier to the first display means formed as a first large display field, with which a temporary jackpot stand is displayed; connecting an external micro-computer to an interface of the first communications controller; furnishing an interface adapter connected at a serial interface of the first communications controller, wherein the interface adapter comprises essentially an optical coupler for galvanic separation and a power stage disposed successively to the optical coupler; connecting the network cabling is connected to the power stage (col. 6).

The present amendment cancels claim 64.

Regarding claims 65,72, in addition to the invention as described above, Gauselmann discloses setting a first and second individual address number through a rotary switch (col. 6, lines 65-67).

The present amendment cancels claims 65 to 67.

Regarding claims 66,67,73-75 Gauselmann discloses switching on the entertainment automats, performing an automatic recognition as to which entertainment automat assumes a master function or a slave function, having the automats wait for a predetermined time period for a recognition signal of the master, if said signal does not appear, sending a master function assumption signal by the first communications board after a second predetermined time period, sending the master function assumption signal from the first entertainment automat with a lowest address number, confirming a receipt of this signal by the second communications board, in col. 6, line 62 - col. 7, line 57).

The present amendment cancels claims 66 to 75.

Regarding claim 71 Gauselmann discloses an external computer, an interface adapter comprising an optical coupler for galvanic separation and a first power stage disposed successively to the optical coupler, and network cabled connected to the power stage (col. 6, lines 52-61).

The present amendment cancels claim 71.

Regarding claim 76, Gauselmann discloses an external computer performing a configuration as to what percentage of a game stake case is to be delivered to the jackpot through an interface (col. 7, lines 50-55).

The present amendment cancels claim 76.

Reconsideration of all outstanding rejections is respectfully requested.

Entry of the present response is respectfully requested. All claims as submitted are deemed to be in form for allowance and an early notice of allowance is earnestly solicited.

Respectfully submitted,
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